

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Take Two Interactive Securities
Litigation,

This Document Relates to:
All actions

USDS SDNY
DOCUMENT
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No. 06 Civ. 803 (RJS)
No. 06 Civ. 987 (RJS)
No. 06 Civ. 1131 (RJS)
No. 06 Civ. 1733 (RJS)

ORDER

RICHARD J. SULLIVAN, District Judge:

Before the Court are two motions dated August 26, 2010 filed by a group of eleven inmates incarcerated in Lexington, Kentucky, seeking to intervene as plaintiffs under Federal Rule of Civil Procedure 24(A)(2) and 24(B), and to obtain an order of recusal for counsel Jonathan M. Plasse.¹ Movants also object to the proposed settlement of this action on the grounds that they “were not given a fair chance to analyze and inspect the details of the settlement.” For the reasons stated below and at the October 12, 2010 fairness hearing held in this matter, the objection is overruled and the motions are DENIED.

Movants assert that they “had each 250 shares of Take Two Interactive between Dec[ember] 31, 2002 through January 2006,” but provide no evidence of their purported ownership of Take-Two stock, in violation of paragraph 19 of the Notice of Proposed Settlement of Class Action, Application for Attorney’s Fees and Expenses and Fairness Hearing and Notice of Availability of Funds Recovered by the SEC (the “Notice”), which requires that any objector submit “proof of all of the Class Member’s purchases of Take-Two common stock during the Class Period and price(s) paid” In any event, the Notice provided Movants with a fair opportunity to analyze and inspect the

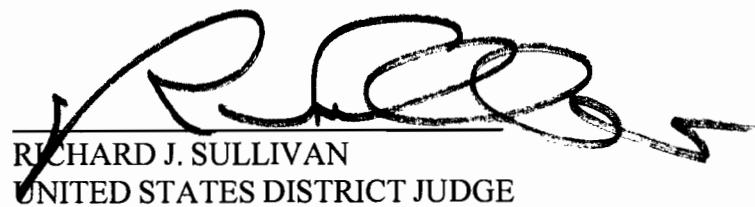
¹ The Court notes that one of these inmates is Jonathan Lee Riches, a notorious abuser of the judicial system who has been enjoined from filing litigation of any type without judicial permission in federal district courts in Massachusetts, Virginia, Michigan, Kentucky, and Illinois. See *In re Profiler Prods Liab. Litig.*, No. 06 Civ. 1748, 2010 WL 3613928, at *2 (S.D. Ill. Sept. 08, 2010).

proposed settlement. Accordingly, Movants' objection is overruled and their motion to intervene as plaintiffs is HEREBY DENIED.

Movants also move to recuse counsel Jonathan M. Plasse on the ground that Mr. Plasse is subject to "financial and personal conflicts of interest" by virtue of purportedly serving as the "previous defense counsel for movant Patrick J. Simpson in his federal criminal case in the [D]istrict of Maine." This assertion is belied by the docket reports for the criminal cases *United States v. Simpson*, Nos. 08 Cr. 95 and 08 Cr. 102 (D. Me), which do not indicate any involvement by Mr. Plasse. Accordingly, the motion for recusal is HEREBY DENIED. The Clerk of the Court is respectfully directed to terminate the motion located at document number 162 on the docket.

SO ORDERED.

DATED: New York, New York
October 15, 2010



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE